

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)	
)	
Petition of Saddleback Communications)	CC Docket No. 96-45
for Designation as an Eligible)	
Telecommunications Carrier Pursuant to)	DA 98-1082
Section 214(e)(6) of the Communications Act,)	
FCC 97-419)	

REPLY COMMENTS OF THE
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

L. Marie Guillory
Its Attorney
2626 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

June 30, 1998

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REPLY COMMENTS OF THE
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

The National Telephone Cooperative Association ("NTCA") submits these reply comments in response to the Commission's *Public Notice*, DA 98-1082 released on June 9, 1998, in the above captioned matter. NTCA is a national association of approximately 500 local exchange carriers ("LECs"). These LECs provide telecommunications services to end users and interexchange carriers throughout rural America.

DISCUSSION

NTCA agrees with comments¹ filed in strong support of the petitioner's request for designation as eligible telecommunications carrier.² Beginning January 1, 1998, the Petitioner can only receive Universal Service support if it has been designated as an eligible carrier.³ As a

¹ See, generally, Comments of the United States Telephone Association (USTA), June 23, 1998.

² See 47 U.S.C. § 214(e).

³ 47 C.F.R. § 54.201(a)(1).

division of the Salt River Pima-Maricopa Indian Community, Saddleback Communications (“Saddleback”) is not subject to the jurisdiction of the Arizona Corporations Commission⁴ and, therefore, has petitioned the Commission for eligible telecommunications carrier status.

Section 214 of Telecommunications Act of 1996 failed to account for tribally owned telcos, some cooperatively owned telcos and others that are not subject to state regulation. Pursuant to the technical correction of the Act, the Commission has the authority to designate an otherwise qualified carrier as “eligible” if the carrier is not subject to state jurisdiction and cannot be designated as eligible by the state.⁵ This corrective process should be applied in a manner that imposes minimal burdens and ensures that affected companies like Saddleback obtain eligible carrier status under standards that generally apply to other carriers seeking designation in other forums.

NTCA urges the Commission to act expeditiously to grant the Petition, designating Saddleback as an eligible telecommunications carrier. The Petitioner has demonstrated that it offers supported telecommunications services throughout its rural, high cost area using its own facilities.⁶ To delay the designation would place Saddleback and its customers at risk of harm, contrary to the public interest. The Petitioner and its customers should not be punished the oversight in the Act.

NTCA also agrees with USTA’s comments concerning Saddleback’s retroactive

⁴ The Arizona Corporations Commission has expressly recognized that it has no jurisdiction over Saddleback Communications. *See Petition*, Attachment G.

⁵ *See* Pub. L. No. 105-125, 111 Stat. 2540 (codified as 47 U.S.C. § 214(e)(6)).

⁶ *Petition* at 6.

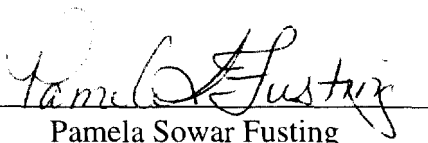
eligibility.⁷ The Petition, indeed, demonstrates that Saddleback took reasonable steps to contact the Arizona Corporation Commission prior to January 1, 1998.⁸ The Petitioner and its customers should not be deprived of essential universal service support from that date until such time as the Commission's action on the petition takes effect.⁹

CONCLUSION

For the above stated reasons, the Commission should (a) designate the Saddleback Communications as an eligible telecommunications carrier, and (b) grant the Petitioner retroactive Universal Service support from January 1, 1998.

Respectfully submitted,

NATIONAL TELEPHONE COOPERATIVE
ASSOCIATION

By: 
Pamela Sowar Fusting
Telecommunications Policy Analyst
(202) 298-2367

By: 
L. Marie Guillory
(202) 298-2359

Its Attorney

2626 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

June 30, 1998

⁷ USTA Comments at 3.

⁸ *Petition*, Attachment G.

⁹ USTA Comments at 3.

CERTIFICATE OF SERVICE

I, Gail C. Malloy, certify that a copy of the foregoing Reply Comments of the National Telephone Cooperative Association in CC Docket No. 96-45/DA 98-1082 was served on this 30th day of June 1998, by first-class, U.S. Mail, postage prepaid, to the following persons on the attached list:


Gail C. Malloy

Chairman William E. Kennard
Federal Communications Commission
1919 M Street, N.W., Room 814-0101
Washington, D.C. 20554

Commissioner Gloria Tristani
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Commissioner Michael Powell
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W., Room 832-0104
Washington, D.C. 20554

Commissioner Harold W. Furchtgott-Roth
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

International Transcription Service
1231 20th Street, N.W.
Washington, D.C. 20036

Charles Kennedy, Esq.
James Casey, Esq.
Morrison & Foerster LLP
2000 Pennsylvania Ave. N.W.
Suite 5500
Washington, D.C. 20006

Sheryl Todd
Common Carrier Bureau
Federal Communications Commission
2100 M Street, N.W., 8th Floor
Washington, D.C. 20036

Lawrence E. Sarjeant, Esq.
Linda L. Kent, Esq.
Keith Townsend, Esq.
USTA
1401 H St. N.W. Suite 600
Washington, D.C. 20005-2136